

WHAT IS A GRIEVANCE?

In the Friend of the Court (FOC) system, a grievance is a written complaint filed by a person who believes that an FOC employee has acted improperly or that an FOC operational policy should be changed. The person must file the grievance with the local FOC office, using a standard form that the FOC office will provide. The FOC must respond to the grievance, in writing, within 30 days. In that written response, the FOC may (1) acknowledge the complaint as valid and summarize the corrective action that will be taken, (2) reject the complaint as invalid and provide an explanation, or (3) declare that the disputed issue is not one that may be raised in a grievance.

A person who is not satisfied with the FOC's response may file a second-step grievance with the chief judge of the court that the FOC serves.

If the county has an active Friend of the Court Citizen Advisory Committee, a grievance concerning FOC office operations (but not employee conduct) may be filed with the advisory committee instead of with the FOC office.

In most cases, using the grievance process allows complaints about FOC policies or employees to be resolved quickly, inexpensively, and without any court proceedings.

WHAT KINDS OF PROBLEMS CAN BE SOLVED BY FILING A GRIEVANCE?

Grievances can help with the following problems:

- an FOC employee's misconduct
- changing an FOC office procedure

Grievances may not be used to raise any of these issues:

- disagreement with the FOC's conduct of an investigation or the resulting FOC recommendation
- disagreement with a decision by a referee or a judge
- disagreement with provisions in a statute or a court rule
- complaints about an attorney
- complaints about a judge or referee
- complaints about non-FOC agencies, such as the Sheriff's Department or the Family Independence Agency

HOW DO I COMPLAIN ABOUT PROBLEMS THAT ARE NOT GRIEVABLE?

If you disagree with the FOC's investigations or the resulting FOC recommendation, you may explain your disagreement to a judge or referee during the next hearing at which the investigation or recommendation is considered.

If you disagree with a referee's opinion, you may file written objections with the court and schedule a hearing before a judge. If you disagree with a judge's decision, you may ask

the judge to reconsider the decision, or you may file an appeal.

If you disagree with a statute, you may ask your legislator to change the law. If you disagree with a court rule, you may ask the Supreme Court to change the rule.

Complaints about inappropriate conduct by an attorney may be filed with:

The Attorney Grievance
Commission 256 Marquette Building
243 West Congress Street
Detroit, Michigan 48226
(313) 961-6585.

Complaints about inappropriate conduct by a judge or referee may be filed with:

The Judicial Tenure Commission
P.O. Box 11319
3034 W. Grand Blvd.
Cadillac Place, 8th Fl, Ste 450
Detroit, Michigan 48202
(313) 875-5110.

Complaints about other agencies should be addressed to those agencies.

WHAT HAPPENS AFTER I FILE A GRIEVANCE?

The FOC or the chief judge will investigate and respond within 30 days. If a response cannot be provided within 30 days, you will be notified and told the reasons for the delay.

If the investigation shows that the issue is

not within the FOC's control, the FOC or chief judge will tell you that and explain in writing why the problem cannot be addressed through an FOC grievance.

If the investigation confirms that a problem exists within the FOC office, the friend of the court or chief judge will take appropriate correction action and notify you, in writing.

If the issue is grievable but fails to disclose a problem within the FOC office, the FOC or the chief judge will explain that finding in writing. Even if the investigation's findings are negative or inconclusive, the FOC or the chief judge may change an FOC policy if your grievance has shown that there is a better way to do things.

When a grievance concerning FOC office operations is filed with the county citizen advisory committee, the committee will investigate the grievance and make recommendations to the FOC or the chief judge.

WHO ELSE CAN I TELL ABOUT MY COMPLAINTS?

A grievance is the most effective procedure for filing a complaint about the FOC.

Although you may contact your state or federal legislator, the governor, the president, or anyone else, FOC's are bound by strict rules of confidentiality that prohibit sharing information about your case with any of those government officials. Only by

filing a proper grievance can your concerns be addressed effectively.

WILL THE FRIEND OF THE COURT PUNISH ME FOR FILING A COMPLAINT?

No. The grievance process is designed to bring your concerns before a person who makes FOC policy decisions and manages the FOC office. If you think you have been treated unfairly because you filed a grievance, you have the right to file that same grievance with the chief circuit judge, who hires and supervises your local FOC.

WHAT DO I DO IF I DO NOT GET A TIMELY ANSWER TO MY GRIEVANCE?

If you do not receive an answer within 30 days (allowing reasonable time for mail delivery), you should send a copy of the grievance and a cover letter stating that you did not receive a timely response to:

State Court Administrative Office
Friend of the Court Bureau
P.O. Box 30048
Lansing, MI 48909

HOW EXACTLY DO I FILE A GRIEVANCE?

Use SCAO Form No. FOC 1a. Your local FOC office will provide blank forms. No one will question your request. FOC office employees will answer questions about how to complete the form. While completing the

form, you should:

- write as neatly as possible
- provide the names and addresses of the parties in the court case. (This will help the person who investigates the grievance.)
- provide the name of the county in which the case is pending
- check the box indicating the category that best fits your complaint
- summarize your complaint
- mail or deliver the completed form to the FOC office, the chief judge's office, or the citizen advisory committee's office
- keep a copy for your records

WHAT SHOULD I SAY IN MY GRIEVANCE?

Include anything that you think will help the person investigating the grievance to make a good decision. This might include:

- specific dates
- a statement of what happened and why you think it was wrong
- names of the FOC
- the remedy that you are requesting

Do not include any of the following in your grievance:

- personal attacks or name calling (These add nothing and hurt your own credibility.)
- complaints about the law (The FOC office must obey the law.)
- complaints that merely state a conclusion without any support facts

(For example, don't say that someone was rude, say what he or she did or said that offended you.)

WHERE CAN I GET GRIEVANCE FORMS?

All FOC offices have grievance forms. You also can get grievance forms on the internet at <http://courts.michigan.gov/> or by contacting:

State Court Administrative Office
Friend of the Court Bureau
Michigan Hall of Justice
P.O. Box 30048
Lansing, Michigan 48909
(517) 373-4835.